

REMARKS--General

Although the Cecon patent covers most of the elements of this instant invention, the fact that it has a cover which makes the device enclosed renders Cecon's invention unsuitable for larger pets such as dogs. Cecon's invention is directed at cats as is stated throughout the description. Although, in most instances naming, as example, an animal over another may not constitute a limitation -- after all, Cecon does use the terminology of "small animals" -- the fact that dogs are sometimes much larger than cats, makes it impractical for a dog to enter through an aperture (25) to do its business. This is one reason. Another much more important reason has to do with fundamental dog behavior: Although a cat can easily be toilet trained and even, by nature adopt a specific location and habit as to toilet behavior, dogs are less trainable and less naturally inclined to do so and would, with great difficulty be trained to enter an enclosed area for its needs. In view of this genetically based dog behavior, Cecon's device is not applicable to dogs and therefore would be considered "unworkable" as a litter box for dogs. A more appropriate device, requiring less components is therefore needed. An invention is not defined by its number of components but rather by how its components have the ability to do the function they are designed and required to accomplish.

Cecon, as described in his patent, including claim 1, discloses "first and second mirror image litter containers, each said container having an opening into a corresponding litter receiving cavity," which renders it useless for dogs. Therefore one cannot use Cecon's teachings and automatically apply them to a litter box for dogs.

This instant invention thus produces new and unexpected results which, although the technology was available at the time was not implemented because it apparently was not so obvious for people versed in the art.

All the other cited prior art are also concerned with cats and provide devices for handling litter such as ways of filtering litter to screen out solid wastes, which by its very nature teaches away from this instant invention which does not filter solid wastes as the mesh is designed to not only not pass solid wastes but also not pass the litter material which allows for the device to be carried without the need of a cover, as required by the other cited prior art, since the mesh retain the litter.

This makes this instant invention much more practical and cost effective which may make it actually work in the marketplace (there is currently great interest from distributors) whereas the other prior art does not appear to have gained any commercial success because of their inherent impracticalities. This invention in fact constitutes "a better mousetrap" to use an old expression.

Applicant hopes that he has responded to the Office Action in an appropriate manner.

Requests For Constructive Assistance

If for any reasons the claims of this application are not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more claims pursuant to MPEP 707.07(j) or in making constructive suggestions pursuant to MPEP 706.03(d) in order that this application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Very Respectfully,

A handwritten signature in cursive script, appearing to read "Simon Belgiorino".

Simon Belgiorino
Applicant pro se